



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,116	02/27/2002	Udo Sohns	028-1-002	9904

27469 7590 07/30/2003

MALLINCKRODT & MALLINCKRODT
10 EXCHANGE PLACE, SUITE 510
SALT LAKE CITY, UT 84111

EXAMINER

FITZGERALD, JOHN P

ART UNIT	PAPER NUMBER
----------	--------------

3637

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,116

Applicant(s)

SOHNS, UDO

Examiner

John P Fitzgerald

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 2 is rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for “lattice girders fixedly attached to each other by **welding**”, does not reasonably provide enablement for “lattice girders fixedly attached to each other by a **screwed connection**.” The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

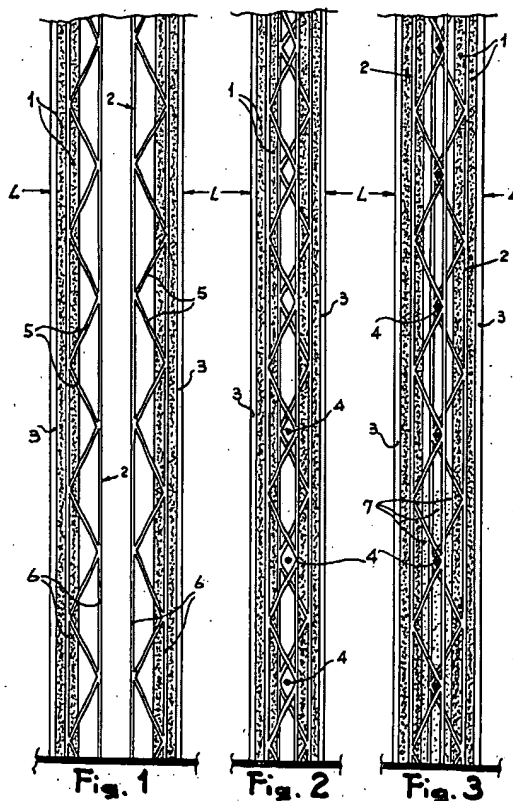
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0090303 to Cella. Cella discloses a reinforced concrete section for producing foundations for buildings (Figs. 1-3), characterized in that the reinforced concrete section consists of two pre-cast floor elements (L) of the same type (EP 0090303 to Cella: page 5: lines 9-10), which each comprise a substantially rectangular concrete slab (1) and at least one lattice girder (2, 5, 6) made of steel (EP 0090303 to Cella: page 1: line 12) which is attached thereto, that the two pre-cast floor

Art Unit: 3637

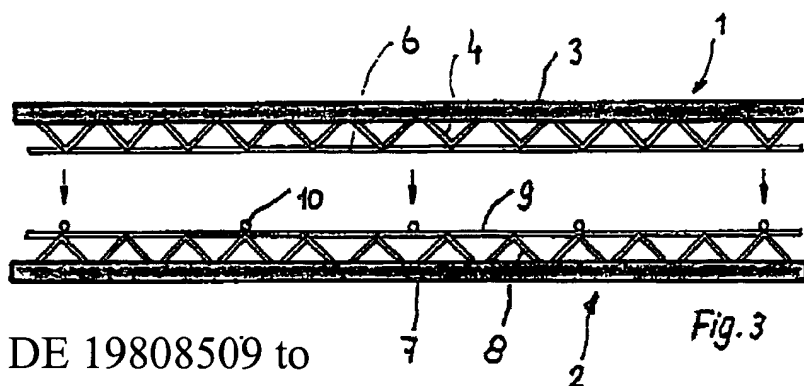
elements are arranged in a laterally reversed manner so that their concrete slabs are situated parallel to and a distance from each other and their lattice girders face one another, and that the lattice girders are fixedly attached to one another (EP 0090303 to Cella: page 2: lines 13-31); further characterized in that the lattice girders are fixedly attached to each other by welding or a screwed connection (EP 0090303 to Cella: page 2: line 15); further characterized in that the lattice girders are fixedly attached to each other by at least one transition piece that is a flat rod or a round rod (EP 0090303 to Cella: page 2: lines 13-17 and page 6: lines 3-13); further characterized in that the foundation the reinforced concrete sections are situated in a position where they are standing on two of the their longitudinal edges and the space between the concrete slabs of the reinforced concrete sections is filled with site-mixed concrete (7) (EP 0090303 to Cella: page 3: lines 2-24).

EP 0090303
to Cella

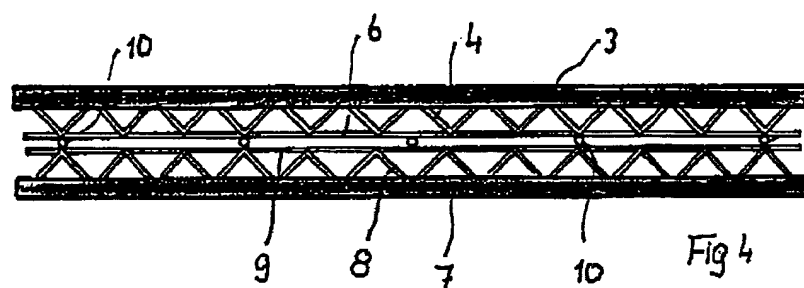


Art Unit: 3637

5. Claims 1-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by DE 19808509 to Beutelrock. DE 19808509 to Beutelrock discloses a reinforced concrete section for producing foundations for buildings (Figs. 1-12), characterized in that the reinforced concrete section consists of two pre-cast floor elements (1, 2) of the same type (DE 19808509 to Beutelrock: col. 1, lines 67-68), which each comprise a substantially rectangular concrete slab (3, 7) and at least one lattice girder (4, 8, 6, 9) made of steel (DE 19808509 to Beutelrock: col. 2: lines 1-4) which is attached thereto, that the two pre-cast floor elements are arranged in a laterally reversed manner so that their concrete slabs are situated parallel to and a distance from each other and their lattice girders face one another, and that the lattice girders are fixedly attached to one another (DE 19808509 to Beutelrock: col. 2: lines 5-14); further characterized in that the lattice girders are fixedly attached to each other by welding or a screwed connection (DE 19808509 to Beutelrock: col. 2: lines 5-14); further characterized in that the lattice girders are fixedly attached to each other by at least one transition piece that is a flat rod or a round rod (9) (DE 19808509 to Beutelrock: col. 2: lines 5-14); further characterized in that the foundation the reinforced concrete sections are situated in a position where they are standing on two of the their longitudinal edges and the space between the concrete slabs of the reinforced concrete sections is filled with site-mixed concrete (7) (DE 19808509 to Beutelrock: col. 2: lines 13-14).



DE 19808509 to
Beutelrock

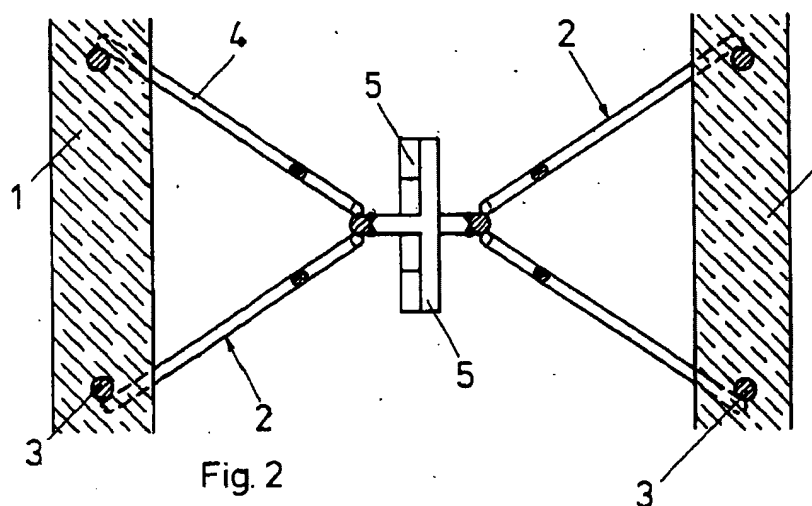


6. Claims 1-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by DE 2242202 to Wessel. DE 2242202 to Wessel discloses a reinforced concrete section for producing foundations for buildings (Figs. 1-8), characterized in that the reinforced concrete section consists of two pre-cast floor elements (1) of the same type, which each comprise a substantially rectangular concrete slab and at least one lattice girder (2, 4, 6) made of steel which is attached thereto, that the two pre-cast floor elements are arranged in a laterally reversed manner so that their concrete slabs are situated parallel to and a distance from each other and their lattice girders face one another, and that the lattice girders are fixedly attached to one another; further characterized in that the lattice girders are fixedly attached to each other by welding or a screwed connection (Figs. 1 and 2); further characterized in that the lattice girders are fixedly attached to each other by at least one transition piece that is a flat rod or a round rod (3); further characterized in that the foundation the reinforced concrete sections are situated in a position

Art Unit: 3637

where they are standing on two of the their longitudinal edges and the space between the concrete slabs of the reinforced concrete sections is filled with site-mixed concrete (DE 2242202 to Wessel: page 1, lines 4-20).

DE 2242202
to Wessel



Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DeVore Jr and Kim. DeVore Jr. discloses a reinforced concrete section for producing foundations for buildings (Figs. 1-12), characterized in that the reinforced concrete section consists of a plurality of pre-cast floor elements (1, 2), wherein a pairs of the pre-cast floor elements each comprise a substantially rectangular concrete slab and at least one lattice girder (3, 21) made of steel (DeVore Jr.: col. 4, lines 7-11) which is attached thereto, that the two pre-cast floor elements are

Art Unit: 3637

arranged in a laterally reversed manner so that their concrete slabs are situated parallel to and at a distance from each other and their lattice girders face one another, and that the lattice girders are fixed attached to one another by a screwed connection (9) or by welding (DeVore Jr.: col. 3, lines 44-46); and that pairs of pre-cast floor elements are situated in a position in which they are standing on two of their longitudinal edges. DeVore Jr. further discloses that is well known in the art to pour site mixed concrete between concrete sections or forms (Devore Jr.: col. 1, lines 5-52). Devore Jr. does not expressly disclose a reinforced concrete section having lattice girders fixedly attached to each other by at least one transition piece that is a flat rod or a round rod.

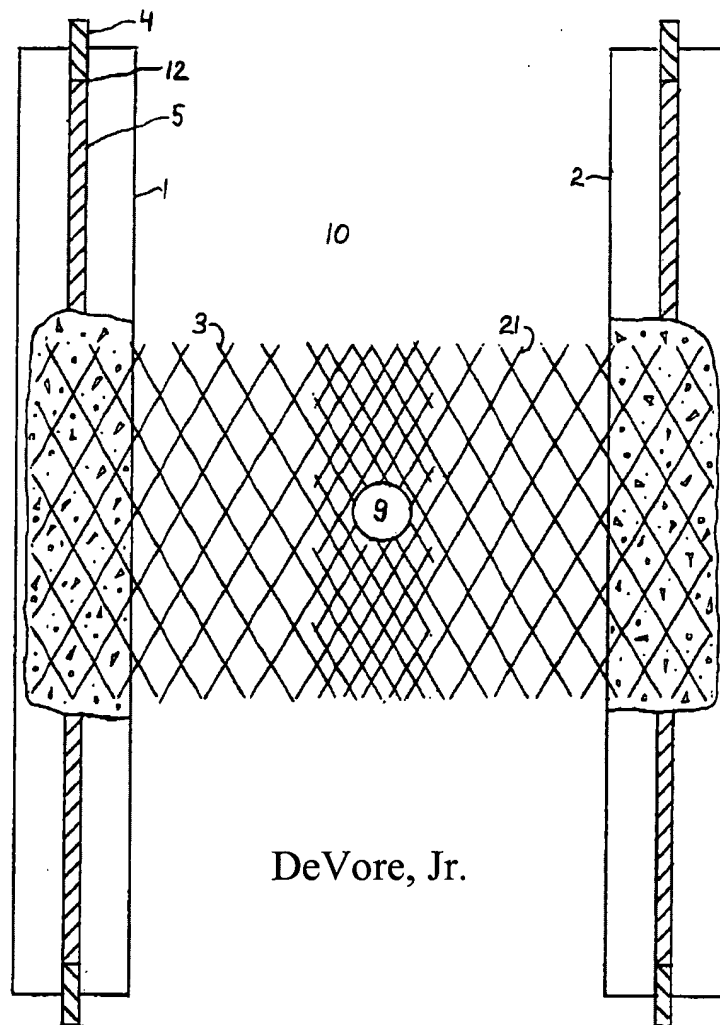


Fig. 2.

Kim teaches a reinforced concrete section for producing foundations and walls for buildings (Figs. 1-18) having lattice girders (24) fixedly attached to pre-cast floor elements (12, 50) (Fig. 3) wherein a flat rod transition piece (31, 35) fixedly attaches the lattice girders to each other and pour site-mixed concrete between the concrete slabs sections (Kim: col. 7, lines 26-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the flat rod transition piece as taught by Kim, modifying the reinforced concrete section disclosed by DeVore Jr., thus providing a secure connection between the lattice girders and, in

Art Unit: 3637

turn, the concrete slabs, as well as the partial filling of concrete in sections (Kim: col. 7, lines 17-56). Lastly, it would have been obvious to one having ordinary skill in the art at the time the invention was made employ the concrete section disclosed by DeVore, Jr. and Kim in by placing them end to end (DeVore, Jr.: Fig. 11) for producing a foundation for a building.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klaue teaches a reinforced concrete section having spaced slabs; lattice girders and connectors of round bar; Moore, Jr. teaches a concrete section having spaced slabs, lattice girders and connectors of round bar.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Fitzgerald whose telephone number is (703) 305-4851. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on (703) 308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9302 before final action, and (703) 872-9327 after final action. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.



JF
07/17/2003

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

